HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.8580 of 2000

Dated 25th day of April, 2007

Between:

Rongali Lakshmana .. Petitioner

And

The Mandal Revenue Officer,
Visakhapatnam Urban Mandal,
Visakhapatnam District.
and two others .. Respondents

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O R D E R:

This writ petition is instituted seeking a mandamus to declare the action of the 1st respondent in trying to evict the petitioner from the land of an extent of 45 square yards situated in Allipuram village, as arbitrary and illegal, and consequently direct the respondents to collect compensation from the petitioner towards cost of the land.

The petitioner asserts that he is the owner of the Government land admeasuring 45 square yards in S.No.35 situated in Allipuram village, Allipuram Mandal, Visakhapatnma District wherein he constructed a compound wall and has been in possession and enjoyment of it for more than five decades. While so, the Government issued G.O.Ms.No.508, dated 20.10.1995 for regularization of encroachments in the form of dwelling houses in Government lands on payment of market value. Now, the grievance of the petitioner is that the 1st respondent, instead of collecting compensation from him towards cost of the land, is trying to evict him from the land in question.

In spite of the fact that notices are served on the respondents, they have not chosen to file any counter affidavit.

According to the petitioner, the Government issued G.O.Ms.No.508, dated 20.10.1995 for regularization of encroachments in the form of dwelling houses in Government lands situated in areas notified as Urban in 1991 Census and in Industrial Townships on payment of market value. According to Clause 12 of the G.O., encroachments made for residential purposes by landless poor people whose annual income from all sources does not exceed Rs.6,000/- per annum shall be regularized free of market value up to an extent of 80

square yards in the limits of Municipal Corporations and up to an extent of 75 square yards in other Municipalities in the State.

In the light of Clause 12 incorporated in the Government Order and the petitioner represented to pay the compensation for the land in question, this Court deems it appropriate to direct the respondents to consider the petitioner's case for regularization of the dwelling unit built by him.

With the above direction, the writ petition is disposed of. No costs.

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25.04.2007

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